



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III

841 Chestnut Building  
Philadelphia, Pennsylvania 19107

VIA EXPRESS MAIL AND HAND DELIVERY

Don Brodie  
Vice President  
The Purolite Company  
150 Monument Road  
Bala Cynwyd, PA 19004

OCT 18 1989

Re: The Purolite Company Site  
3620 G Street  
Philadelphia, Pennsylvania

Dear Mr. Brodie:

This letter concerns hazardous substances and hazardous wastes generated or stored by Bro-Tech Corporation through its division, The Purolite Company ("Purolite"), which Purolite has removed or is planning to remove from the Purolite site at 3620 G Street in Philadelphia, Pennsylvania ("Site").

The United States Environmental Protection Agency ("EPA") has determined that there may be an imminent and substantial endangerment to the public health or welfare or to the environment because of the releases or threats of releases of hazardous substances, pollutants or contaminants at the Site and is spending Superfund monies on actions to investigate and control such releases or threatened releases. Substances present at the Site include: (1) propylene dichloride stored in a tank outside of the main building at the Site ("Building"); (2) divinyl benzene stored in a tank outside the Building; (3) styrene stored in a tank outside the Building; (4) approximately 30 exhausted or partially exhausted bromine cylinders containing bromine residues stored in a warehouse behind the Building;<sup>1</sup> (5) approximately 10 cylinders of bromine stored in a warehouse behind the Building; (6) hydrochloric acid stored in a tank in

<sup>1</sup> As will be discussed in more detail below, it has come to EPA's attention that these bromine cylinders may have been neutralized on site. Even if this is the case, the information requests and notices contained in this letter are still applicable.

200001

the Building; (7) sodium hydroxide stored in a tank in the Building; (8) sulfuric acid stored in several tanks in the Building; and (9) building debris and ash on the Site.<sup>2</sup> These substances were generated or stored by Purolite ("Purolite's substances"). As part of an EPA removal action, these substances ordinarily would be transported by EPA to a facility permitted under the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq. ("RCRA"), for disposal in accordance with regulations promulgated under RCRA, using Superfund monies. Purolite has notified EPA that Purolite will make proper disposal or disposition of certain of Purolite's substances located at the Site, which are specified above, in accordance with Federal, State and local laws and regulations.

This letter is to formally notify Purolite that Purolite may be subject to civil and/or criminal enforcement action if Purolite's substances are improperly handled or disposed. Additionally, this letter requires submission of information on Purolite's handling and disposal of Purolite's substances, as detailed below. EPA believes that it is important for you to understand possible consequences if there is improper handling or disposal of Purolite's substances which are removed from the Site.

Further, it is hereby advised that Purolite shall be solely responsible for its action in taking possession of these substances as against any person who may claim to have any ownership or other interest in these substances, and Purolite also shall be solely responsible for any tort or other claims arising from Purolite's actions with respect to these substances.

It has come to EPA's attention that despite an agreement reached at a meeting on October 5, 1989, in the presence of counsel and confirmed in later telephone conversations, that Purolite would notify EPA and permit an EPA representative to observe all removal work on the Site, Purolite has already neutralized bromine cylinders on the Site without even giving EPA notice and now intends to remove the divinyl benzene on the Site on Saturday, October 14, 1989, after giving EPA less than 24 hours notice. EPA considers this to be a very serious matter and is considering appropriate steps. We emphasize that no future

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<sup>2</sup> While at this time EPA has not determined if either the building debris or ash on the Site constitutes hazardous waste, EPA believes it is likely that the debris was contaminated and thus suggests it be treated as a hazardous waste for the purposes of disposal, this letter and any applicable environmental laws. If Purolite does not wish to dispose of this material as a hazardous waste, the debris will have to be sampled to the satisfaction of EPA to confirm that the debris is or is not hazardous waste. If Purolite does not agree to sample the EPA will perform appropriate sampling.

work should be performed on the Site without adequate notice to EPA.

As was discussed with your attorney, Robert Collings, EPA believes it is appropriate to pursue this matter by Administrative Order. Enclosed is a copy of an Administrative Order by Consent. Please inform EPA by the end of the day on Monday October 16 if you will sign this Order. If you do not agree to enter into an Administrative Order by Consent, please be advised that EPA may pursue other alternatives.

#### NOTICE OF POTENTIAL LIABILITY

This letter confirms notification of potential liability, as defined by Section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9607(a), as amended (CERCLA), that you may incur if there is improper handling or disposal of Purolite's substances that are removed from the Site.

If there is improper handling or disposal of Purolite's substances, Purolite may be liable for all costs incurred by the government in responding to any release or threatened release of such substances. Additionally, EPA may take enforcement action under the authority of the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq., CERCLA or other laws against Purolite if there is improper handling or disposal of Purolite's substances.

Thus, Purolite should ensure that Purolite's substances are handled by an appropriate treatment or disposal facility, which is in compliance with applicable Federal and State laws and regulations, and which is capable of handling Purolite's substances, including all necessary permitting. Similarly, Purolite should ensure that Purolite's substances are handled by a qualified transporter, who has the necessary permits and licenses for handling the particular substances appropriately.

#### REQUIRED SUBMISSION OF INFORMATION

Please provide the information identified in items (A) (1) through (3) below before Purolite removes any more of Purolite's substances from the Site:

- A.1. Description of the substances to be removed from the Site, including chemical identification, containers, amounts of substances and other identifying information;
- A.2. Identification of the transporter(s) of the substances, including information on any permits or licenses pertinent to qualifications for handling Purolite's substances.

200003

- A.3. Identification of the destination of Purolite's substances, including information on any permits or approvals pertinent to the ability of the destination to handle, treat, store or dispose of Purolite's substances;

Within ten (10) calendar days of the date any of Purolite's substances are removed by Purolite or its agents from the Site, Purolite should provide to EPA information on the handling and disposition of Purolite's substances as specified in items (B)(1) and (2):

- B.1. All applicable hazardous waste manifests and specification of the location(s) where Purolite's substances were stored or came to be located following their removal from the Site, and any information pertinent to the ability of the location(s) to handle or store the substances; and
- B.2. Description of the particulars of the removal operation, including discussion of any problems encountered and dates of relevant activities.

The above-required information shall be submitted to the EPA with a certification by a responsible official of Bro-Tech as follows:

"I certify that the information contained in or accompanying this type (type of submission) is true, accurate and complete."

Signature  
Title

For purposes of Bro-Tech, a responsible official shall mean a corporate officer such as the president, vice president or secretary of Bro-Tech

Further, Purolite shall provide to EPA, along with the report described above, copies of any pertinent documentation concerning the handling of Purolite's substances, including, but not limited to, manifests for Purolite's substances, waste disposal certificates, invoices, bills of lading, permits, correspondence, memoranda, notices of violation, analytical results and reports.

Purolite is entitled to assert a claim of business confidentiality covering any part of the submitted information, in the manner described in 40 C.F.R. Section 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth at 40 C.F.R. Part 2, Subpart B. Unless a business confidentiality claim is asserted at the time the requested information is submitted, EPA may make this information

200004

available to the public without further notice to you. According to Section 104(e)(7) of CERCLA, 42 U.S.C. § 9604(e)(7), health and safety effects data, name of the hazardous substances, its physical properties, hazards posed by the substance, potential routes of exposure to the substance at the facility, and location of disposal of any waste stream are not entitled to confidential treatment.

Please send the required information and reports to:

Peter Kho (3HW33)  
U.S. Environmental Protection Agency, Region III  
841 Chestnut Building  
Philadelphia, Pennsylvania 19107

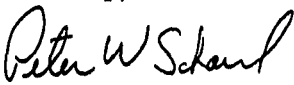
This information requirement is being made pursuant to the authority of Section 3007(a) of RCRA, 42 U.S.C. § 6927(a), and Section 104(e) of CERCLA, as amended, 42 U.S.C. § 9604(e). These statutory provisions authorize EPA to require persons to furnish information concerning hazardous wastes and hazardous substances. This information requirement is not subject to the requirements of the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq.

#### FURTHER LIABILITY

Please note that this notice of liability and required submission of information solely concerns Purolite's substances that are removed from the Site prior entry of an administrative order by consent or a unilateral order. EPA may take or require further actions of Purolite with regard to Purolite's substances or the Site. The removal of Purolite's substances from the Site by Purolite does not release Purolite from any liability that it may have relating to response activities taken at the Site, including liability under CERCLA or any other applicable law.

If you have any questions concerning this matter, please contact Peter Kho at (215) 597-6680 or Dean Jerrehian at (215) 597-3230.

Sincerely,

  
for Stephen R. Wassersug, Director  
Hazardous Waste Management Division

cc: Robert Collings, Esquire (Telecopy - 215-963-5503)

200005